

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

8:17CV255

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On August 1, 2017, the clerk of the court sent a letter to Petitioner at his last known address, the Douglas County Correctional Center. (See [Filing No. 4.](#)) On August 14, 2017, the clerk of the court received a letter from the Douglas County Correctional Center stating that Petitioner was released from custody on August 2, 2017. (See [Filing No. 5.](#)) Petitioner has an obligation to keep the court informed of his current address at all times. See NEGenR [1.3](#)(e) and (g) (requiring pro se parties to adhere to local rules and inform the court of address changes within 30 days). This case cannot be prosecuted in this court if Petitioner's whereabouts remain unknown. Furthermore, since Petitioner is no longer incarcerated, he must now file a new application for leave to proceed in forma pauperis if he wishes to continue pursuing this case in forma pauperis. Petitioner may, in the alternative, pay the \$5.00 filing fee.

IT IS THEREFORE ORDERED that:

1. Petitioner must update his address within 30 days. Failure to do so will result in dismissal of this action without further notice to Petitioner.
2. Petitioner must either file a new request for leave to proceed in forma pauperis or pay the \$5.00 filing fee within 30 days. Failure to take either action will result in dismissal of this matter without further notice to Petitioner.

3. Petitioner's Motion for Leave to Proceed in Forma Pauperis ([Filing No. 3](#)) filed on July 31, 2017, while Petitioner was confined, is denied as moot.

4. The clerk of the court is directed to set a pro se case management deadline with the following text: **September 15, 2017**: deadline for Petitioner to file new IFP application or pay filing fee and to update his address.

Dated this 16th day of August, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge